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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Hyuk Bin Kwon

Serial No.: 10/656,944

Confirmation No.: 1946

Filed: September 5, 2003

Group Art Unit: 3681

For: SHIFT CONTROL DEVICE FOR A
TWO-AXIS AUTOMATIC
TRANSMISSION FOR A VEHICLE

Examiner: Maples, John S.

Attorney Docket No.: 060944-0130
(Formerly 11037-130-999)

ELECTION

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action of November 2, 2004, the Examiner requested an election of species (not a restriction). In response, Applicants elect Species A (Figure 4). Figure 4 is a diagram of a shift pattern for a power-on upshift in a shift control method. An embodiment of the shift control method itself, and not merely the upshifting in a power-on state, is described in relation to Figures 3A and 3B.

Dependent claims 7-15 relate to upshifting in a power-on state, and, therefore relate to Figure 4 (Species A). Similarly, dependent claims 21-23 relate to downshifting in a power-on state, and, therefore relate to Figure 5 (Species B); dependent claims 24-33 relate to upshifting in a power-off state, and, therefore relate to Figure 6 (Species C); and dependent claims 16-20 and 34-41 relate to downshifting in a power-off state, and, therefore relate to Figure 7 (Species D). All of these claims have at least one common independent claim, namely claim 6. In light of Applicants election of Species A, and the identification of claims 7-15, dependent claims 21-23, 24-33, 16-20 and 34-41 are withdrawn at this time. However, Applicants retain their rights to reintroduce claims 21-23, 24-33, 16-20 and 34-41 should the Examiner allow a generic claim.


Moreover, Applicants respectfully disagree with the Examiner that there is no generic claim linking the various species shown in Figures 4-7. Independent claim 6 is common to all of the claims that relate to Figures 4-7. Independent claim 6 does not require

specific upshifting or downshifting, but rather claims the invention more generically. Accordingly, independent claim 6 is a generic claim. Similarly, claims 1-5 and 42-44 also do not require specific upshifting or downshifting and also claim the invention generically.

If there are any fees or credits due in connection with the filing of this Amendment, including any fees required for an Extension of Time under 37 C.F.R. Section 1.136, authorization is given to charge any necessary fees to our Deposit Account No. 50-0310 (order No. 60943-0022-US). A copy of this sheet is enclosed for such purpose.

Date: December 8, 2004

Respectfully submitted,


45,645
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